

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN COURTNEY,

Plaintiff,

Civil Action No.  
10-CV-14123

vs.

PRISON HEALTH SERVICES, et al.,

HON. MARK A. GOLDSMITH

Defendants.

/

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION**  
**and**  
**GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS MICHIGAN  
DEPARTMENT OF CORRECTIONS, CARUSO, SCUTT, MCCMILLAN, MURPHY,  
AND HAMBLIN**

This matter is presently before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Charles E. Binder, issued on July 21, 2011. The Magistrate Judge recommends that summary judgment be granted in favor of Defendants Michigan Department of Corrections (MDOC), Caruso, Scutt, McMillan, Murphy, and Hamblin. Plaintiff has not filed objections to the R&R, and the time to do so has expired.<sup>1</sup> Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, it is ORDERED as follows:

- (1) The Magistrate Judge’s R&R [docket entry 58] is accepted and adopted as the findings and conclusions of the Court.

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<sup>1</sup> Plaintiff was granted an extension of time in which to file objections; however, he has failed to do so. See docket entry 62.

(2) The motion for summary judgment of Defendants MDOC, Caruso, Scutt, McMillan, Murphy, and Hamblin [docket entry 18] is granted.

Dated: September 2, 2011  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 2, 2011.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager